

## Message

**From:** Kaiser, Steven [kaiser.steven@epa.gov]  
**Sent:** 10/16/2017 3:47:27 PM  
**To:** Carla Morgan (cmorgan@eastchicago.com) [cmorgan@eastchicago.com]; Joe Allegretti [Joe@JoeAllegretti.com] [Joe@JoeAllegretti.com]; McCoy, Lisa [LMcCoy@idem.IN.gov]; Beth Admire [badmire@idem.IN.gov]  
**CC:** Garypie, Catherine [garypie.catherine@epa.gov]; Toney, Marcy [tony.marcy@epa.gov]; Kyte, Larry [kyte.larry@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]  
**Subject:** USS Lead - Press

Nearly half of the 102 Superfund homes tested by EPA had lead paint. Whose job is it to remove?  
 Lauren Cross, Northwest Indiana Times Oct. 16, 2017

EAST CHICAGO — For more than a year now, the U.S. Environmental Protection Agency has been ridding families' yards of toxic soil targeted under the agency's Superfund program.

EPA also has sampled select homes for hazardous lead-based paint, but an agency spokesperson said they have no plans to remove it because such activity is "outside the authority of (the agency's Superfund program.)"

So — whose job is it?

Peeling, flaking lead-based paint often still is present in homes built before 1978, the year lead in household paint was banned by the federal government, and individual homeowners are typically responsible for removal.

But those advocating on behalf of low-income, minority families in East Chicago argue this is a unique case, given cumulative health risks — with lead in the dirt, dust and, in some cases, paint or drinking water — faced here.

Nearly half of tested homes show evidence of lead paint

Forty-seven of the 102 homes tested by the EPA had evidence that lead paint may be present, an agency spokesperson said Aug. 26.

An EPA spokesman said the agency is not coordinating lead-based paint screening results with city or state officials.

"After EPA conducts a cleaning at a property, EPA provides residents with a packet of information and resources, and residents are responsible for any decision to abate lead paint in their homes," EPA said.

Debbie Chizewer, an attorney at Northwestern University Pritzker Law School's Environmental Law Clinic and working pro bono on behalf of the residents, said EPA staff is directing residents to a city rehab loan program that's "currently inaccessible."

Frank Rivera, the city's redevelopment director, said the application process for the city's Residential Repair Program — which provides grants and low-interest loans to low-to-moderate-income homeowners that need major housing repairs — is closed due to the lengthy project backlog.

"While EPA claims it is telling residents about opportunities at the local and state level that support lead abatement, this information is inaccurate and incomplete," Chizewer said. "The city's residential repair program, which EPA directed residents to, is no longer accepting applications."

The estimated wait time for those currently on the waiting list is approximately two to three years from this date, Rivera said Wednesday. It's unknown when the application process will reopen, he added.

The city's rehab program is not available to someone who solely needs lead-paint abatement; they must have other rehab work in mind, Rivera said.

The rehab program is funded by \$1.2 million awarded to the city by the U.S. Department of Housing and Urban Development, he said. Eight of the 21 projects slated for this year have been completed.

Rivera said he is unaware of any other programs that assist low-income families with lead paint removal.

The Times submitted a public records request to the city on Aug. 22 seeking information on the rehab program's backlog and previous lead paint abatement projects. That request remains pending.

No easy task

Combating the city's lead paint problem will be no easy task. More than 90 percent of the city's owner-occupied homes were built before 1980, increasing the likelihood that lead-based paint is present, according to the city's 2014-2018 Consolidated Action Plan.

A \$3.4 million grant awarded this year to the state's housing authority for lead assessments and removal will go toward the evaluation and removal of lead paint in 240 homes across six targeted cities — East Chicago, Gary, Indianapolis, Fort Wayne, South Bend and Evansville — with priority for households where children test positive for lead and then low-income households.

The Indiana State Department of Health said there is no additional funding in place specifically to offer free lead paint removal in the Superfund site.

"While the department licenses abatement contractors, it does not provide abatement services, nor does it have the funds to do so," ISDH spokeswoman Jennifer O'Malley said.

'No fault of their own'

The USS Lead Superfund site, and East Chicago as a whole, is considered an environmental justice community, where poor people of color are disproportionately affected by environmental harms and associated health risks.

"Due to no fault of their own, residents have been exposed to a myriad of lead and arsenic pathways and all levels of government have an obligation to help residents address as many of these pathways as possible," Chizewer said.

Chizewer, speaking on behalf of the East Chicago Calumet Coalition Community Advisory Group, said she is deeply concerned that only homes requiring soil cleanup are being tested by the EPA for lead paint and lead-contaminated dust. Because many of the neighborhoods' homes are older, even those with clean yards likely will have lead paint or contaminated dust in the home, she said.

In a letter sent to Gov. Eric Holcomb on Sept. 22, the group is seeking assistance for paint removal and testing, and contaminated dust assessments, saying all households should be assessed for lead and arsenic. The CAG group, in its recent letter to Holcomb, asks the state to provide direct relief to residents.

A spokeswoman for Holcomb did not respond to requests for comment.

EPA said they began last year testing homes for lead paint as part of the agency's interior dust sampling to help identify potential sources of lead inside that could be contributing to lead in dust.

Chizewer argues EPA should have evaluated the risk of lead paint exposure in the site — long before cleanup began in earnest last fall — when the EPA first began assessing the extent of the site's contamination under its Superfund cleanup program.

"Some people think 'Oh, why should the EPA be in charge of the paint?' They don't necessarily need to, but when you look at the big picture, EPA should have been looking for all of these exposures originally and it might have set the standard for action lower," she said.

"If EPA had done what it was supposed to do during the remedial action phase, and look for lead in the drinking water, lead in the home, it might have said '(400 parts per million) is not protective enough. This community has so many exposures. We need to reduce the ... exposure as much as possible,' but they didn't do that," she said. "Now it has an obligation."